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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-346
Administrative Law Judge Division
May 10, 2018

R E S O L U T I O N

RESOLUTION ALJ-346 Amends the General Rules of General Order 96-B.

SUMMARY

This resolution amends the General Rules of General Order 96-B to provide that a petition for modification of a Commission resolution shall be submitted to the Industry (or Administrative Law Judge) Division responsible for issuing the draft of the resolution.

In addition, the resolution amends the General Rules to extend the applicability of its general rules governing applications for rehearing resolutions and petitions for modification of resolutions to resolutions that are not precipitated by advice letters.

Finally, the resolution amends the General Rules by replacing the terms "file" and "filing" – which technically refer to documents tendered to and accepted by the Docket Office in formal proceedings – with the terms "submit" and "submittal," and by adding the Safety and Enforcement Division and the Consumer Protection and Enforcement Divisions as Industry Staff when acting in an advisory capacity.

The amendments to the General Rules of General Order 96-B order are shown in strikethrough and underline in the attachment to this resolution.

General Rule 7.8 – Petitions for Modification

As currently written, General Order 96-B's General Rule 7.8 provides that petitions for modification of a resolution shall be formally filed with the Docket Office and initiate a new formal proceeding. As a result, the petition for modification of a resolution would be referred to the Administrative Law Judge Division to process.

That arrangement deviates from our practice under Rule 16.4 of the Rules of Practice and Procedure (Rules), whereby petitions for modification of decisions in formal proceedings reopen the underlying proceeding for recommended decision by the Administrative Law Judge. There is no practical basis for applying Rule 16.4 to petitions for modification of resolutions. Indeed, it is inefficient to assign the matter away from the Commission Division that has first-hand knowledge of it.

The impracticality of applying Rule 16.4 to petitions for modification of resolutions is exacerbated by recent amendments to Pub. Util. Code § 1701.1 requiring the assignment of a commissioner, the conduct of a prehearing conference, and the issuance of a scoping memo in all formal proceedings. There is no conceivable basis for subjecting petitions for modification of resolutions to the formal requirements of the assignment of a commissioner, conduct of a prehearing conference, and issuance of a scoping memo, when none were necessary to the issuance of the resolution in the underlying informal proceeding.

Accordingly, we amend General Rule 7.8 to provide that petitions for modification of Commission resolutions shall be submitted to the staff division responsible for issuing the draft of the resolution, and to clarify the service requirements for applications for rehearing petitions for modification and their responses.

As a related matter, we amend General Rule 3.7 regarding the definitions of "formal" and "informal proceedings" to clarify that "informal proceedings" include draft resolutions that are not precipitated by advice letter. We also delete the sentence stating, "An informal matter is either an uncontested matter or a matter for which hearing is not heeded to resolve the contested issues." That is an incorrect statement; an informal matter may be contested and a formal proceeding may not require hearing in order to resolve the issues.

General Rule 1.1 – Applicability, and related General Rules

General Order 96-B's General Rule 1.1 states that the general order applies to advice letters and other informal submittals. Section 7 of the general order sets forth the general rules governing review and disposition of advice letters by resolution, including applications to rehear and petitions to modify such resolutions.

However, the Commission often considers proposed resolutions prepared by the Industry, Legal and Administrative Law Judge Divisions that are *not* initiated by advice letters. It is unclear whether the provisions in Section 7 of General Order 96-B pertaining to applications for rehearing and petitions for modification apply to such resolutions, and there is no apparent reason that they should not. Indeed, in practice, the Commission processes applications for rehearing that do not involve advice letters pursuant to these provisions.

Accordingly, we amend General Rule 1.1 to clarify that General Rules 7.7.2 and 7.8 regarding, respectively, applications for rehearing and petitions for modification apply to all resolutions regardless of whether initiated by advice letter. We make related amendments to General Rule 3.8 "Industry Division" and renumber and make related

amendments to General Rules 7.7.2 "Application for Rehearing of Resolution " and 7.8 "Petition for Modification, Request for Extension."

Passim – "File" versus "Submit"

Throughout the general order, the term "file" or "filing" is used to refer to the transmittal to and acceptance of a document by the Industry Division. However, under the Rules of Practice and Procedure, the term "file" specifically refers to the transmittal to and acceptance of a document by the Commission's Docket Office in formal proceedings. (See esp. Rule 1.13.) Use of the term "file" in the general order has caused unnecessary confusion among practitioners.

Accordingly, we amend General Order 96-B throughout to replace the inaccurate terms "file" and "filing" with the more precise terms "submit" and "submittal."

General Rule 3.8 – Industry Division

The Commission's Safety and Enforcement Division and Consumer Protection and Enforcement Division, acting in an advisory capacity, may also have occasion to prepare a draft resolution. Accordingly, we amend General Rule 3.8 to include those divisions.

Notice and Comments on Draft Resolution

The draft resolution proposing amendments to General Order 96-B was served on the service list used by the Commission for notice of changes to our Rules of Practice and Procedure on February 27, 2018, and noticed in the Commission's Daily Calendar on February 28, 2018. Comments on the draft resolution were received from the Office of Ratepayer Advocates (ORA) and the California Water Association (CWA) on March 20, 2018.

ORA asserts that petitions to modify a resolution should be formally docketed in order to ensure adequate service and notice. To the contrary, the amendments to the general order include specific provisions to ensure service and notice, and ORA does not offer any reason that these are inadequate. (See General Rule 8.2 as amended.)

ORA objects that the Commission implemented the practice of directing petitions to modify a resolution to the Industry Division for informal resolution in advance of adopting a resolution adopting this procedural change, which put ORA in the position of replying to reply to a response to a petition to modify a resolution that ORA had tendered to the Docket Office for filing, even though none of the pleadings were accepted for filing by the Docket Office. ORA's inconvenience does not rise to the level of prejudice and does not show cause for the Commission to dispense with the amendments to the general order.

ORA asserts that the use of the draft resolution process to adopt this procedural change failed to provide parties adequate notice and opportunity to be heard. To the contrary, the draft resolution was served on the service list used by the Commission for notice of changes to our Rules of Practice and Procedure, and noticed in the Commission's Daily Calendar from February 28, 2018, through the date of the vote on this matter.

CWA expresses its support for the amendments for providing clarity and greater transparency, and for eliminating the unnecessary procedural requirements associated with formal proceedings from the process for adjudicating petitions to modify a resolution.

The draft resolution was revised to add the proposed amendment to the definition of "Industry Division" in General Rule 3.8, and the revised draft resolution was served on the service list on April 4, 2018, and noticed in the Commission's Daily Calendar on April 5, 2018. No comments were received on the revisions to the draft resolution.

Therefore **IT IS RESOLVED** that the amendments to General Order 96-B set forth in the appendix are adopted.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on May 10, 2018, the following Commissioners approving it:

/s/ ALICE STEBBINS

ALICE STEBBINS
Executive Director

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners

APPENDIX

AMENDMENTS TO GENERAL ORDER 96-B, "GENERAL RULES"

1. Overview of the General Order

1.1. Structure; Purpose; Applicability

This General Order contains General Rules, Energy Industry Rules, Telecommunications Industry Rules, and Water Industry Rules. The General Rules govern advice letters and information-only ~~filings submitted~~ submittals to the Commission by public utilities that are gas, electrical, telephone, water, sewer system, pipeline, or heat corporations, as defined in the Public Utilities Code., as well as ~~The General Rules also govern~~ certain matters submitted to the Commission by certain non-utilities subject to limited regulation by the Commission. The General Rules also govern applications for rehearing and petitions for modification of a resolution regardless of whether the resolution was initiated by advice letters.

The Industry Rules have limited applicability. The Energy Industry Rules apply to gas, electrical, pipeline, and heat corporations and to load-serving entities as defined in Public Utilities Code Section 380. The Telecommunications Industry Rules apply to telephone corporations. The Water Industry Rules apply to water and sewer system corporations. Within their respective industries, the Industry Rules may create rules specific to a particular type of utility or advice letter. Also, for purposes of advice letter review, the Industry Rules will contain three tiers that will distinguish, for the respective Industry Divisions, between those kinds of advice letters subject to disposition under General Rule 7.6.1 (Industry Division disposition) and those subject to disposition under General Rule 7.6.2 (disposition by resolution). The Industry Rules may contain additional tiers as needed for efficient advice letter review or implementation of a statute or Commission order.

The Industry Rules reflect the different needs and conditions within the specified utility industries and segments of those industries, especially as competition develops regarding some services formerly provided by utility monopolies. The respective Industry Rules may differ from each other, and may make distinctions within the covered industry, so long as these differences are consistent with these General Rules. An Industry Rule may differ from the otherwise applicable General Rule to the extent authorized by General Rule or other Commission order.

The provisions of this General Order govern only those informal matters submitted ~~for filing~~ on or after July 1, 2007. However, the Commission at any time may require a utility to revise all or a part of its tariffs to conform with this General Order.

1.2 Utilities Operating in Different Utility Industries

If a utility provides services within two or more of the covered industries (Energy, Telecommunications, Water), the utility shall comply with each of the Industry Rules applicable to the respective services. In addition, if a utility provides two or more types of utility service covered in this General Order (electrical, natural gas, heat, pipeline; telephone; water, sewer system), the utility shall comply with the requirements of General Rules 8 to 8.5.8 by means of separate tariffs for each type of utility service provided.

1.3 Construction; Waiver or Variance

The General Rules and Industry Rules shall be liberally construed to secure just, speedy, and inexpensive handling of informal matters, as set forth in this General Order. The Commission in a specific instance may authorize an exception to the operation of this General Order where appropriate. In a specific instance and for good cause, the Director of the appropriate Industry Division may shorten the protest and reply period under the General Rules.

1.4 Amendments

Each Industry Division's Industry Rules may be amended independently of these General Rules or the Industry Rules of the other Industry Divisions. Whenever any part of the Industry Rules must be amended to ensure consistency with applicable statutes and Commission orders, the appropriate Industry Division will draft proposed amendments to those rules. The Commission may adopt the amendments by resolution, with such modification as the Commission deems appropriate, following notice and an opportunity to comment on the proposed amendments. All amendments and the complete text of this General Order will be published at the Commission's Internet site.

1.5 Computation of Time

When these rules set a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day does not fall on a business day, the time limit is extended to include the first business day thereafter.

2. Code of Ethics

Rule 1.1 ("Code of Ethics") of the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20, Division 1, Chapter 1) shall apply to all matters governed by these rules.

3. Definitions

The definitions apply to the following terms when used in the General Rules and the Industry Rules. Unless otherwise required by context, use of the singular includes the plural.

3.1 Advice Letter

"Advice letter" means (1) an informal request by a utility for Commission approval, authorization, or other relief, including an informal request for approval to furnish service under rates, charges, terms or conditions other than those contained in the utility's tariffs then in effect, and (2) a compliance ~~filing~~ submittal by a load-serving entity pursuant to Public Utilities Code Section 380.

3.2 Daily Calendar; Date of ~~Filing~~ Submittal

"Daily Calendar" means the Daily Calendar published by the Commission and reported on the Internet at www.cpuc.ca.gov. "Date of ~~Filing~~ Submittal," when referring to an advice letter, means the day on which the reviewing Industry Division received the advice letter.

3.3 Day; Business Day

"Day" means a calendar day. "Business Day" means a calendar day except for Saturdays, Sundays, and weekdays when the Commission's offices are closed, due either to a State holiday or an unscheduled closure (e.g., an emergency or natural disaster). The Daily Calendar will include a list of State holidays for the current fiscal year and a list for the following fiscal year as soon as such list is available.

3.4 Deviation

"Deviation" means the furnishing by a utility of any service at rates or under conditions other than the rates and conditions contained in its tariffs then in effect.

3.5 Disposition

"Disposition" refers to the grant or rejection (including modification) of the relief requested in an advice letter. The disposition of an advice letter will be by resolution adopted by the Commission, except for (1) an advice letter rejected without prejudice by the reviewing Industry Division pursuant to General Rule 5.3, or (2) an advice letter that is subject to disposition by Industry Division pursuant to General Rule 7.6.1.

3.6 Effective Pending Disposition

"Effective pending disposition" refers to a procedure under General Rules 7.5.3 and 9~~8~~.2.3 and the appropriate Industry Rules whereby the utility submitting an advice letter implements the actions or tariff changes set forth in the advice letter prior to its disposition pursuant to this General Order. A utility submitting an advice letter under this procedure shall prominently designate the advice letter as "effective pending disposition."

3.7 Formal; Informal

"Formal" refers to a proceeding initiated by an application, complaint, petition, order instituting investigation or rulemaking, or order to show cause. "Informal" refers to an advice letter or draft resolution submitted for disposition ~~other matter submitted to the Commission~~ outside a formal proceeding at the Commission. ~~An informal matter is either an uncontested matter or a matter for which a hearing is not required in order to resolve the contested issues.~~ See also General Rules 5.1 and 5.2.

3.8 Industry Division

"Industry Division" means the Energy, Telecommunications, ~~or~~ Water Division or, when acting in an advisory capacity, the Safety and Enforcement Division or the Consumer Protection and Enforcement Division, or their successors. In the case of applications for rehearing and petitions for modification of resolutions originally recommended by the Legal Division or Administrative Law Judge Division, "Industry Division" is deemed to include those Divisions.

3.9 Information-only ~~Filing~~ Submittal

"Information-only ~~Filing~~ Submittal" means an informal report, required by statute or Commission order, that is submitted by a utility to the Commission, but that is not submitted in connection with a request for Commission approval, authorization, or other relief. "Information-only ~~Filing~~ Submittal" includes both periodic and occasional reports.

3.10 Person

"Person" refers both to natural and fictitious persons including, without limitation, companies, corporations, partnerships, associations, and sole proprietorships.

3.11 Protest

"Protest" means a document that objects in whole or in part to the relief requested in an advice letter. The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division.

3.12 Reply

"Reply" means a document containing a utility's reaction to any protest or response to the utility's advice letter.

3.13 Response

"Response" means a document, submitted by a third party and served on the utility submitting the advice letter, that unconditionally supports the relief requested in the advice letter and that may provide useful information regarding the advice letter.

3.14 Service

"Service," when referring to sending a document, means mailing or delivering the document, or transmitting it by facsimile transmission, modem, or other electronic means, as described in the Commission's Rules of Practice and Procedure.

Except when referring to sending a document, "service" means the service performed for, or product delivered to, the public or portion of the public, by a utility.

3.15 Tariffs

"Tariffs" refer collectively to the sheets that a utility must ~~file~~ submit, maintain, and publish as directed by the Commission, and that set forth the terms and conditions of the utility's services to its customers; "tariffs" may also refer to the individual rates, tolls, rentals, charges, classifications, special conditions, and rules of a utility.

3.16 Utility

"Utility" means a public utility that is a gas, electrical, telephone, water, sewer system, pipeline, or heat corporation, as defined in the California Public Utilities Code. The Industry Rules may define "utility" more narrowly.

4. Notice, Access, ~~Filing~~ Submittal and Service Procedures Generally

4.1 Commission Policies

The Commission intends that all interested persons have the opportunity, through timely and efficient means, (1) to inspect a utility's tariffs, (2) to receive notice of advice letter and information-only ~~filings~~ submittals, (3) to have access to public records regarding such documents, and (4) to find information on the status of any particular advice letter, including associated supplements, protests, replies, or appeals, and the disposition of the advice letter.

4.2 Customer Notices

Unless no notice or a shorter notice period is authorized by statute or Industry Rule or other Commission order, a utility shall give affected customers at least 30 days' notice before the effective date of an advice letter requesting higher rates or charges, or more restrictive terms or conditions, than those currently in effect. This notice requirement may be satisfied by one or a combination of the following: bill inserts; notices printed on bills; separate notices sent by first-class mail; or electronic mail (e-mail) when a customer has affirmatively consented to receive notice in this manner. Notice by first-class mail is complete when the document is deposited in the mail, and notice by e-mail is complete upon successful transmission. Where authorized by the appropriate Industry Rules, the notice requirement may also be satisfied by notices printed in a newspaper of general circulation.

4.3 Service Lists

Each utility shall maintain at least one advice letter service list, which shall include the postal and e-mail addresses, as appropriate, of all persons on the list. To the extent practical, the utility shall maintain separate lists for different types of advice letters (for example, differentiating between water utility districts, customer classes, or particular services), and shall identify the separate lists at the utility's Internet site, so that persons may request and receive only those advice letters of interest. The utility

shall include on the service list any person who requests such inclusion, and may periodically confirm the desire of any currently listed person to remain on the list. On or before the date when the utility ~~files~~ submits an advice letter, it shall serve the advice letter without charge on all persons listed for that type of advice letter.

4.4 Service by Internet

For purposes of these rules, any person may accept service by Internet. A person indicates acceptance of such service by providing an e-mail address along with a postal address to the utility, Industry Division, or third party serving a document on the person. Notwithstanding such acceptance, the utility, Industry Division, or third party shall make alternative service (including service by first-class mail, personal delivery, or facsimile transmission) immediately whenever the serving party receives notification that service by Internet is unsuccessful.

A utility shall serve its advice letters and related documents by Internet on any person on its advice letter service list who provides an e-mail address. Any such person shall serve that person's advice letter protest and related documents by Internet on the utility ~~filing~~ submitting the advice letter.

4.5 ~~Filing~~ Format

Rule 1.5 of the Commission's Rules of Practice and Procedure governs the format of advice letter documents, except that the format of tariffs shall be as prescribed in these General Rules and the appropriate Industry Rules.

4.6 Cover Sheet

A utility ~~filing~~ submitting an advice letter shall include with its advice letter a cover sheet, which shall state the date when the utility served the advice letter and ~~filed it with~~ submitted it to the reviewing Industry Division. The cover sheet shall also be served with the advice letter. The cover sheet shall state that a protest or response to the advice letter must be ~~filed with~~ submitted to the reviewing Industry Division within 20 days of the date of the advice letter's ~~filing~~ submittal and served on the same day on the utility. Except as modified by the Industry Division, the cover sheet shall summarize the contents of the advice letter, as follows:

(1) indicate requested effective date;

(2) indicate service affected by the advice letter;

(3) briefly describe change to existing service (where applicable) or other change proposed by the advice letter;

(4) indicate percent impact of proposed change on current rates or charges for affected service (where applicable);

(5) cite Commission orders (by decision or resolution number and ordering paragraph) and Public Utilities Code or other statutory provisions (by section) related to the substance of the advice letter, and identify as compliance ~~filing~~ submittal (where applicable);

(6) refer to the utility's other pending advice letters that relate to the same tariffs or are otherwise affected by the proposed change;

(7) if the advice letter replaces a withdrawn or rejected advice letter, identify the prior advice letter and the differences between it and the new advice letter;

(8) indicate whether the utility believes disposition of the advice letter by Commission resolution is necessary or appropriate;

(9) show contact person, telephone number, and e-mail address for additional information regarding the advice letter; and

(10) show postal address and e-mail address of the utility and of the reviewing Industry Division for protests regarding the advice letter.

If an advice letter does not include a complete cover sheet, as described above, the reviewing Industry Division may reject the advice letter without prejudice or extend the protest period unless and until the utility ~~files~~ submits and serves the information that is missing or incomplete.

4.7 Form and Content

A utility shall:

(1) number the advice letter sequentially, beginning with No. 1 for the first advice letter ~~filed~~ submitted by the utility for each type of service rendered, followed by a letter designation for the type of service if the Industry Division so requires;

(2) attach the tariff sheets (new or revised) showing the changes that would be made by the advice letter, and list the numbers and titles of the new tariff sheets (if any) and the numbers of tariff sheets proposed to be canceled (if any). If the advice letter proposes to change tariff sheets currently in effect, the proposed changes shall be shown by providing either (i) a redlined version of the tariff sheets, or (ii) the tariff sheets as currently in effect and as proposed with the changes indicated by appropriate symbols along the right-hand margin, using the symbols set forth in the utility's preliminary statement. If the reviewing Industry Division will assign sheet numbers, so indicate. A tariff sheet number may not be used more than once;

(3) state whether any deviations would be created, service withdrawn from any present customer, or more or less restrictive conditions imposed;

(4) if establishing a new non-competitive service, describe the new service and state its impacts (if any) on rates and service to customers not receiving the new non-competitive service, its impacts (if

any) on customer privacy and competitive markets, any educational efforts the utility plans in connection with the new service, and any transactions with the utility's affiliates in the provision of the new service;

(5) if seeking approval of a contract or other deviation from tariffed service, attach a copy;

(6) attach analysis and workpapers used to justify the relief sought in the advice letter, or if the analysis and workpapers are voluminous, provide them within two business days upon request;

(7) cite the statute and/or Commission order establishing the notice requirements applicable to the advice letter, and describe how those requirements were satisfied; and

(8) attach the service list to the original advice letter ~~filed with~~ submitted to the reviewing Industry Division, or if the list is identical to a list used previously by the utility, cite the number and date of the advice letter or application that is the source of the list.

In addition, if an advice letter requests a change to a Commission resolution addressing a prior advice letter of the utility, the new advice letter shall specify the resolution to which a change is requested, and shall set forth the following information by way of notice:

(1) The advice letter is subject to Public Utilities Code Section 1708, which states in pertinent part that the Commission may, "upon notice to the parties, and with opportunity to be heard as provided in the case of complaints, rescind, alter, or amend any order or decision made by it."

(2) A person wishing to request an evidentiary hearing must ~~file~~ submit and serve a timely protest to the advice letter. The protestant must expressly request and explain the need for an evidentiary hearing. The explanation must identify material disputed facts and explain why a hearing must be held.

(3) Any right a person may otherwise have to an evidentiary hearing will be waived if that person does not follow the above procedure for requesting one.

Each Industry Division may modify the required contents as appropriate for the needs of that division and may also promulgate recommended or sample cover sheet formats.

If an advice letter omits any applicable contents, as described above, the reviewing Industry Division may reject the advice letter without prejudice or extend the protest period unless and until the utility ~~files~~ submits and serves the complete advice letter.

5. Use of Advice Letters

5.1 Matters Appropriate to Advice Letters

The advice letter process provides a quick and simplified review of the types of utility requests that are expected neither to be controversial nor to raise important policy questions. The advice letter process does not provide for an evidentiary hearing; a matter that requires an evidentiary hearing may be considered only in a formal proceeding.

The primary use of the advice letter process is to review a utility's request to change its tariffs in a manner previously authorized by statute or Commission order, to conform the tariffs to the requirements of a statute or Commission order, or to get Commission authorization to deviate from its tariffs. A utility may also request relief by means of an advice letter where the utility:

(1) has been authorized or required, by statute, by this General Order, or by other Commission order, to seek the requested relief by means of an advice letter; or

(2) requests modification of a Commission resolution addressing a prior advice letter of the utility. See General Rule 7.2. To request an extension of time to comply with such resolution, see General Rule ~~7.8~~ 8.3.

A utility may seek a rate increase by means of an advice letter only if use of an advice letter for this purpose is authorized by statute or Commission order.

5.2 Matters Appropriate to Formal Proceedings

A utility must file an application, application for rehearing, or petition for modification, as appropriate, in the following circumstances:

(2) The utility requests modification of a decision issued in a formal proceeding or otherwise seeks relief that the Commission can grant only after holding an evidentiary hearing, or by decision rendered in a formal proceeding;

(3) The utility seeks Commission approval of a proposed action that the utility has not been authorized, by statute, by this General Order, or by other Commission order, to seek by advice letter; or

(4) The utility seeks to challenge a Commission resolution addressing an advice letter submitted by the utility.

Except as provided in General Rule 5.1, a utility must file an application to seek approval of a rate increase; a change to its tariffs; or an alteration of any classification, contract, practice, or rule as to result in a new rate.

5.3 Withdrawal; Rejection Without Prejudice

Before disposition of an advice letter, but no later than the date of issuance, for public review and comment, of a draft resolution (if any) that would grant or reject the advice letter, a utility may withdraw its advice letter without prejudice, except that an advice letter that is effective pending disposition may not be withdrawn on or after the effective date. The withdrawal shall bear the same identifying number as the advice letter and shall be submitted in the same manner and served on the same persons as the advice letter.

Whenever the reviewing Industry Division determines that the relief requested or the issues raised by an advice letter require an evidentiary hearing, or otherwise require review in a formal proceeding, the Industry Division will reject the advice letter without prejudice.

The utility may resubmit, as an application or other appropriate formal request for relief, the request contained in an advice letter that it has withdrawn, pursuant to this General Rule, or that is rejected without prejudice on the grounds that the advice letter must be heard or reviewed in a formal proceeding. When an advice letter has been withdrawn voluntarily by the utility, the utility may resubmit the matter as an advice letter so long as the relief requested or issues raised are appropriate to an advice letter.

The reviewing Industry Division will also reject without prejudice an advice letter that violates applicable Industry Rules in the following instances:

(1) The utility has improperly designated the advice letter as effective pending disposition; or

(2) The utility has improperly designated the advice letter as subject to Industry Division disposition.

In these instances, the utility may submit a new advice letter with corrections as specified by the Industry Division. However, implementation of an advice letter designated as effective pending disposition, if the advice letter is rejected without prejudice, shall cease immediately upon such rejection, and may not resume unless and until such implementation is duly approved pursuant to this General Order.

6. Process for Handling Information-only ~~Filings~~ Submittals

6.1 ~~Filing~~ Submittals, Access, Service

Information-only ~~filings~~ submittals shall be submitted to the appropriate Industry Division, and as further provided in the Industry Rules. A table of periodic information-only ~~filings~~ submittals will be maintained at the Commission's Internet site.

Information-only ~~filings~~ submittals are public records, and are open to public inspection, except as provided by statute or Commission order. Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to information-only ~~filings~~ submittals. Information-only ~~filings~~ submittals need not be served, except as otherwise required by statute or Commission order.

6.2 Review

Since information-only ~~filings~~ submittals do not seek relief, they are not subject to protest, as provided for applications and advice letters. The reviewing Industry Division may notify the utility of any omission or other defect in a ~~filing~~ submittal, and the utility shall remedy such defect within a reasonable time. A

utility that fails to remedy defects or fails to ~~file~~ submit a required report on time or at all shall be subject to fines and other sanctions.

7. Advice Letter Review and Disposition

7.1 ~~Filing~~ Submitting Advice Letters and Related Documents

Advice letters and related documents (e.g., protests, responses, replies, and requests for review) shall be ~~filed with~~ submitted to the reviewing Industry Division. An Industry Division may accept the ~~electronic filing~~ submittal of advice letters and related documents by electronic mail when the Division determines that it has the capacity to receive and process advice letters and related documents in this fashion. The Industry Division will report advice letters and related documents, and the date of their receipt, in the Daily Calendar.

The date of ~~filing~~ submittal of an advice letter or related document shall be the date of receipt by the reviewing Industry Division and shall be used for purposes of calculating the 20-day protest period, the 30-day initial review period, the period of suspension under General Rule 7.5.2, or the last day for any ~~filing~~ submittal or other deadline that may be computed from the date of ~~filing~~ submittal under these rules. The reviewing Industry Division may reject without prejudice an advice letter due to defective service or omitted contents. Notwithstanding the Industry Division's acceptance of an advice letter for ~~filing~~ submittal, a defect or omission that becomes apparent during review of the advice letter may require rejection of the advice letter without prejudice if the utility fails, upon request, to promptly cure the defect or omission.

Advice letters, protests, responses, and replies are public records, and are open to public inspection, except as provided under statute or Commission order. Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to such documents.

7.2 Serving Advice Letters and Related Documents

On or before the date an advice letter is ~~filed~~ submitted, and unless otherwise directed by Commission order, the utility shall serve the advice letter and cover sheet (1) on the utility's advice letter service list, and (2) on any other third parties as specified by statute or other Commission order. Such service shall be by Internet to the extent required by General Rule 4.4. In addition, the utility shall make paper service of the advice letter on the Division of Ratepayer Advocates by first-class mail or personal delivery. The requirement to serve the Division of Ratepayer Advocates does not apply to a utility that is a sewer system corporation or a Class B, C, or D water corporation. In addition, the Division of Ratepayer Advocates may waive or modify this service requirement to better accommodate small utilities or alternative service methods.

After ~~filing~~ submitting an advice letter, and pending its disposition, the utility shall promptly provide a copy of the advice letter to anyone so requesting. Such provision shall be without charge to anyone who currently receives service from the utility, or to anyone receiving the advice letter by Internet.

The following additional requirements apply to service of any advice letter that requests a change to a Commission resolution. The utility ~~filing~~ submitting such an advice letter shall serve it on anyone who ~~filed~~ submitted a protest or response to the prior advice letter addressed in the resolution, any third party whose name and interest in the relief sought appeared on the face of that prior advice letter (as where the advice letter sought approval of a contract or deviation for the benefit of such third party), and any other persons who had been served with the resolution.

7.3 Effective Date

A utility submitting an advice letter shall include the requested effective date, as further provided in the Industry Rules.

7.3.1 Effective Date Provided by Statute or by Commission Order Other Than This General Order

If the Commission, by Industry Rule or otherwise, has ordered an advice letter to go into effect on a date different from that otherwise provided by these General Rules, the advice letter shall go into effect on the date ordered. If a statute, Industry Rule, or other Commission order specifically authorizes an advice letter to go into effect on a date different from that otherwise provided by these General Rules, the advice letter shall go into effect on any date (as designated by the utility in the advice letter) that is consistent with the authorization.

7.3.2 Later Effective Date Requested by Utility

Unless the Commission has required an advice letter to go into effect on a date different from that otherwise provided by this General Order, a utility may request an effective date later than that otherwise provided by this General Order, and the advice letter shall go into effect on the date requested by the utility.

7.3.3 Effective Pending Disposition

Unless an earlier effective date is authorized, or a later effective date required, under the appropriate Industry Rules, an advice letter properly designated as effective pending disposition may be made effective on the date of ~~filing~~ submittal, or as provided under General Rule 7.3.2 or 9~~8~~.2.3. A utility whose advice letter would qualify under the appropriate Industry Rules to be effective pending disposition may request instead that the advice letter be effective only upon regulatory approval under this General Order.

If an advice letter is effective pending disposition, all service rendered pursuant to the advice letter before disposition will be subject to a Commission order requiring refunds or such other or additional adjustments as the Commission may require.

7.3.4 Effective Date of Advice Letter Submitted for Industry Division Disposition

Except as provided in General Rules 7.3.1 to 7.3.3, if a utility has properly submitted an advice letter for Industry Division disposition, the advice letter will become effective as follows:

(1) If the advice letter has not been protested and the reviewing Industry Division has not suspended the advice letter by the end of the initial review period (see General Rule 7.5.2), the advice letter will become effective 30 days after the date of ~~filing~~ submittal.

(2) If the advice letter is protested or suspended, the advice letter will become effective upon written approval by the reviewing Industry Division or (if an issue requires determination by the Commission) upon adoption by the Commission of a resolution approving the advice letter. (See General Rule 7.5.2)

If an advice letter is improperly submitted for Industry Division disposition, the advice letter will be rejected without prejudice, as provided in General Rule 5.3.

7.3.5 Effective Date of Advice Letter Submitted for Disposition by Resolution

Except as provided in General Rules 7.3.1 and 7.3.2, if a utility has submitted an advice letter for disposition by resolution, the advice letter will become effective when the Commission adopts a resolution approving the advice letter, unless the advice letter may properly be approved by the reviewing Industry Division, in which case the advice letter will become effective upon written approval by that Industry Division. An advice letter submitted for disposition by resolution will not become effective merely by virtue of the expiration of the initial review period or any continuation of the initial or later review period.

7.4 Protests and Responses

7.4.1 ~~Filing~~ Submittal of Protest

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter. Within 20 days of the date of ~~filing~~ submittal of the advice letter, the protest or response shall be ~~filed with~~ submitted to the reviewing Industry Division and served on the same day on the utility. After ~~filing~~ submitting a protest, and pending disposition of the advice letter, the protestant shall promptly provide a copy of the protest to anyone so requesting.

If the protestant believes that the Commission should hold an evidentiary hearing, the protest must expressly request and explain the need for an evidentiary hearing. The explanation must identify material disputed facts and say why a hearing must be held. Any right a protestant may otherwise have to an evidentiary hearing will be waived if the protestant does not follow this procedure for requesting one.

7.4.2 Grounds for Protest

An advice letter may be protested on one or more of the following grounds:

(1) The utility did not properly serve or give notice of the advice letter;

(2) The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;

(3) The analysis, calculations, or data in the advice letter contain material errors or omissions;

(4) The relief requested in the advice letter is pending before the Commission in a formal proceeding;

(5) The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or

(6) The relief requested in the advice letter is unjust, unreasonable, or discriminatory, provided that such a protest may not be made where it would require relitigating a prior order of the Commission.

As illustrated in the following examples, a protest may not rely on policy objections to an advice letter where the relief requested in the advice letter follows rules or directions established by statute or Commission order applicable to the utility.

Example 1. Where the Commission has approved a rate change, an advice letter submitting tariff sheets in compliance with the Commission order approving the rate change is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 2. Where the Commission does not regulate the rates of a specific type of utility, an advice letter submitting a rate change by a utility of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 3. Where the Commission has established a rate band within which a utility is free to set rates for a specific type of service, an advice letter submitting a rate change within the band for a service of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

In all of the above examples, the advice letters may still be protested on other grounds. For example, if the rate change in Example 3 falls outside the rate band or applies to a service other than of the specified type, the advice letter would violate the Commission order approving the rate change and is subject to protest on that ground.

7.4.3 Replies

The utility ~~filing~~ submitting an advice letter shall reply to each protest and may reply to any response. Any such reply shall be ~~filed with~~ submitted to the reviewing Industry Division within five business days

after the end of the protest period, and shall be served on the same day on each person who ~~filed~~ submitted a protest or response to the advice letter. The protestant may not reply to the utility's reply.

7.4.4 Late-~~Filed~~ Submitted Protest or Response

The reviewing Industry Division may consider a late-~~filed~~ submitted protest or response. If an Industry Division considers a late-~~filed~~ submitted protest or response, it will so notify the utility, and the utility shall have five business days from the date of issuance of the notice within which to reply to the late-~~filed~~ submitted protest or response.

7.5 Review

7.5.1 Additional Information; Supplements

An Industry Division, to assist its review of an advice letter, may request additional information from the utility. The utility shall respond to the request within five business days unless the Industry Division agrees to a later response, and the Industry Division may reject the advice letter if the utility does not respond promptly and fully. If the Industry Division, after considering the additional information, determines that material factual issues remain, the Industry Division will reject the advice letter without prejudice.

A utility may make minor revisions or corrections to its advice letter at any time before the requested effective date by ~~filing~~ submitting a substitute sheet with the reviewing Industry Division. Changes that generally may be made by substitute sheet include: a correction of a typographical or other insubstantial error; a language clarification; or a later effective date.

The utility shall ~~file~~ submit a supplement or withdraw the advice letter without prejudice in order to make major revisions or corrections. A substitute sheet or supplement shall be and served in the same manner and on the same persons as the advice letter, plus any other persons who have ~~filed~~ submitted a protest or response. A supplement shall bear the same identifying number as the advice letter but shall have a letter suffix ("A" for the first supplement, "B" for the second supplement, etc.).

The ~~filing~~ submittal of a supplement, or of additional information at the request of the reviewing Industry Division, does not automatically continue or reopen the protest period or delay the effective date of the advice letter. The reviewing Industry Division, on its own motion or at the request of any person, may issue a notice continuing or reopening the protest period. Any new protest shall be limited to the substance of the supplement or additional information.

7.5.2 Initial Review Period; Suspension; Status Report

The initial review period for an advice letter is the 30 days immediately following the date of ~~filing~~ submittal. No later than the last day of the initial review period, the reviewing Industry Division will notify the utility and any protestants if disposition of the advice letter will not occur within the initial review period. The Industry Division may notify the utility, and any protestant who has provided an e-mail address, by Internet. For any advice letter that may not be deemed approved, suspension is

automatic if disposition of the advice letter has not occurred by the end of the initial review period. The reviewing Industry Division, however, will give notice of this suspension.

The Industry Division's notification will suspend the advice letter's effectiveness and will state the reason for the suspension and its expected duration, which will not exceed 120 days from the end of the initial review period unless the utility agrees in writing to a longer suspension period. For any advice letter so suspended, the reviewing Industry Division will proceed promptly with the disposition of the advice letter under General Rule 7.6.1 or 7.6.2, as appropriate. If the reviewing Industry Division determines that a suspended advice letter requires disposition by the Commission, and the Commission's deliberation on the resolution prepared by the Industry Division continues beyond the expiration of the suspension period, the suspension is automatically continued for a further period, and the Industry Division will so notify the utility and protestants, as above. The further period of suspension will run until the Commission acts on the resolution, but will not exceed 180 days. If the further period ends before the Commission rejects or otherwise acts on the advice letter, the advice letter (if subject to Public Utilities Code Section 455) becomes effective by operation of law on the day after the further period ends.

The above procedures regarding initial review and suspension shall also apply to advice letters effective pending disposition, except that the effectiveness of such advice letters is not suspended by extension of Industry Division or Commission review beyond the initial review period.

Each reviewing Industry Division will publish and keep current an advice letter status report at the Commission's Internet site. The report will include the following information for each advice letter for which review is continuing beyond the initial review period: identification of the advice letter by utility and advice letter number; date of suspension or extension; and reason(s) for suspension or extension. The report will be updated, as needed, to reflect new suspensions or extensions and any change of status of an advice letter, including disposition or withdrawal of the advice letter.

7.5.3 Advice Letters Effective Pending Disposition

Where General Rules 7.3.3, 9~~8~~.2.3, or the Industry Rules authorize a utility to designate an advice letter as effective pending disposition, the Industry Rules may establish additional procedures for the utility to submit revisions or corrections prior to disposition when the appropriate Industry Division, during its review of such an advice letter, discovers a defect in the advice letter or the tariff changes set forth in the advice letter, provided that the defect is not such as to require rejection of the advice letter. Whenever a utility fails to submit a timely or satisfactory revision after notice by the Industry Division, as prescribed in the procedures, the Commission may impose a penalty and/or take such other actions as may be appropriate to protect consumers and ensure compliance with law.

A utility that has implemented the actions or tariff changes set forth in an advice letter effective pending disposition shall immediately stop such implementation, and shall commence such remedial action as may be appropriate (including but not limited to the submission of an advice letter setting forth a remedial plan), if the advice letter is rejected pursuant to General Rule 5.3, 7.6.1, or 7.6.2.

7.6 Disposition of Advice Letters

7.6.1 Industry Division Disposition of Advice Letters

A utility shall designate in the advice letter whether the utility believes the advice letter is subject to Industry Division disposition. The utility's designation is not binding on the reviewing Industry Division.

The Commission intends by this rule to make advice letters subject to Industry Division disposition in all instances where the Commission has lawfully assigned this task to the Industry Division. ~~the delegation of such authority to an Industry Division is lawful.~~

An advice letter is subject to disposition by the reviewing Industry Division whenever such disposition would be a "ministerial" act, as that term is used regarding advice letter review and disposition. (See Decision 02-02-049.) Industry Division disposition is appropriate where statutes or Commission orders have required the action proposed in the advice letter, or have authorized the action with sufficient specificity, that the Industry Division need only determine as a technical matter whether the proposed action is within the scope of what has already been authorized by statutes or Commission orders. In addition, the Industry Division will (1) reject any advice letter where the advice letter or workpapers are clearly erroneous, including without limitation where there are clear inconsistencies with statute or Commission order, and (2) reject without prejudice an advice letter whose disposition would require an evidentiary hearing or otherwise require review in a formal proceeding.

An advice letter will be subject to Industry Division disposition even though its subject matter is technically complex, so long as a technically qualified person could determine objectively whether the proposed action has been authorized by the statutes or Commission orders cited in the advice letter. Whenever such determination requires more than ministerial action, the disposition of the advice letter on the merits will be by Commission resolution, as provided in General Rule 7.6.2.

Notwithstanding a timely protest, the reviewing Industry Division may approve an advice letter that is subject to disposition under this rule and is otherwise proper, if the protest either (1) is not made on proper grounds as set forth in General Rule 7.4.2, (2) may be rejected on a technical basis as discussed in this rule, or (3) is clearly erroneous.

The Industry Division will review each submitted advice letter ~~filed with it~~, together with any timely protests, responses, and replies. If the Industry Division, in light of such review, concludes that the advice letter is subject to disposition under this rule (including a deemed approval pursuant to the next paragraph), the Industry Division will report its disposition at the Commission's Internet site. If the advice letter is approved, the Industry Division will either (1) notify the utility by e-mail on the Internet, or (2) return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet.

An advice letter that is subject to Public Utilities Code Section 455 or that implements a rate increase previously approved by the Commission is deemed approved if, at the end of the initial review period, the Industry Division has not suspended the advice letter (as provided in General Rule 7.5.2). In all cases

where there is Industry Division disposition of an advice letter (including "deemed approval"), the Industry Division will issue a written disposition. If the Industry Division rejects an advice letter or grants a protested advice letter, the Industry Division's disposition will state the basis for rejecting the advice letter or the protest. The Industry Division will serve the disposition on the utility and on any person ~~filing~~ submitting a protest or response to the advice letter. Service on the utility, and on any person who is entitled to receive the disposition and has provided an e-mail address, may be by Internet.

If the reviewing Industry Division has suspended or extended the review of an advice letter that the utility properly ~~filed~~ submitted for disposition under this rule, the Industry Division, prior to the expiration of the review period, will either (1) issue its disposition, or (2) prepare for the Commission's consideration and place on a Commission meeting agenda a resolution containing the Industry Division's analysis and recommendation regarding the advice letter. The Commission may adopt the resolution or modify it in whole or in part.

7.6.2 Disposition by Resolution

Except for those circumstances in which, as provided in General Rules 5.3, 7.5.1, or 7.6.1, the reviewing Industry Division may approve or reject an advice letter, the reviewing Industry Division will prepare and place on the Commission's meeting agenda a resolution approving, rejecting, or modifying any advice letter ~~filed with~~ submitted to the Industry Division. The resolution will contain the Industry Division's recommended disposition and analysis supporting such disposition. The resolution will also contain an attachment listing all persons served with the resolution, including the utility ~~filing~~ submitting the advice letter, persons protesting or responding to the advice letter, and any third party whose name and interest in the relief sought appear on the face of the advice letter.

The Commission may adopt the resolution or modify it in whole or in part. After the Commission has acted on a resolution, the resolution will be served on the utility, on any person ~~filing~~ submitting a protest to the advice letter, and on any other party to the resolution. (See Rule 14.5 of the Rules of Practice and Procedure.) The disposition of the advice letter will be reported at the Commission's Internet site. If the advice letter is approved, the Industry Division will either (1) notify the utility by e-mail on the Internet, or (2) return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet.

~~**7.7 Review; Application for Rehearing of Resolution**~~

~~**7.7.1**~~ **7.6.3 Review of Industry Division Disposition**

The utility or a person ~~filing~~ submitting a protest, or any third party whose name and interest in the relief sought appear on the face of the advice letter, may request Commission review of an Industry Division disposition. In exceptional circumstances, a person who has an interest in the advice letter but who did not ~~file~~ submit a protest may request Commission review. The request must explain the circumstances that entitle the person to make the request (e.g., the person was unable to ~~file~~ submit a protest or ~~filed~~ submitted a response supporting the advice letter). The request for Commission review shall be ~~filed with~~ submitted to the reviewing Industry Division within 10 days after the issuance of the

disposition, shall be served on the utility, all persons ~~filing~~ submitting protests or responses, and any third party whose name and interest in the relief sought appear on the face of the advice letter, and shall set forth specifically the grounds on which the requester considers the disposition to be unlawful or erroneous. Upon ~~filing~~ submittal of a timely request for Commission review, the Industry Division will prepare and place on the Commission's meeting agenda a proposed resolution, and will serve it on the requester and all others on whom the request was served. Pending Commission action on the proposed resolution, the advice letter will take effect if it was approved under the Industry Division disposition.

8. Application for Rehearing and Petition for Modification of Resolution; Request for Extension

~~7.7.2~~ 8.1 Application for Rehearing of Resolution

~~Pursuant to Sections 1731 to 1736 of the Public Utilities Code and Rules 16.1 to 16.6 of the Commission's Rules of Practice and Procedure, t~~The utility ~~filing~~ submitting an advice letter, any person ~~filing~~ submitting a protest to the advice letter, and any ~~other~~ person who ~~was a party to the~~ commented on a draft or alternate resolution under Rule 14.5 of the Rules of Practice and Procedure may apply for rehearing of a resolution pursuant to Sections 1731 to 1736 of the Public Utilities Code and Rules 16.1 to 16.6 of the Rules of Practice and Procedure. The application for rehearing shall set forth specifically the grounds on which the applicant considers the resolution to be unlawful or erroneous.

The application for rehearing shall be filed with the Commission's Docket Office, which will assign a docket number to the application. On the same day that it is filed, the application for rehearing shall be served on the reviewing Industry Division and on the same persons who are required to be served with the draft resolution pursuant to the instructions accompanying the draft resolution. ~~under General Rule 7.7.1~~.

~~7.8~~ 8.2 Petition for Modification~~; Request for Extension~~

Any person may petition for modification of a resolution and respond to such petition ~~Commission resolution issued under these rules is subject to petition for modification~~ to the same extent and under the same procedures as provided, with respect to Commission decisions, by Rule 16.4 of the Commission's Rules of Practice and Procedure, except that ~~the procedure for filing and serving~~ such a petition or response shall be submitted and served on the appropriate Industry Division, and on the same persons who are required to be served with the draft resolution pursuant to the instructions accompanying the draft resolution. A certificate of service must accompany the petition, stating (1) the title of the petition with reference to the resolution number and caption of the resolution that is the subject of the petition, (2) the place, date, and manner of service, and (3) the name of the person making the service. The Industry Division may direct the petitioner to circulate the petition for modification to additional parties, if appropriate. The Industry Division should ensure notice of the petition for modification appears on the Daily Calendar. Nothing in this section limits an Industry Division's ability to place a draft resolution modifying a prior resolution on the Commission's agenda at any time. ~~that provided under General Rule 7.7.2 above for filing and serving an application for rehearing .~~

8.3 Request for Extension

For an extension of time to comply with a Commission resolution addressing an advice letter, the utility that ~~filed~~ submitted the advice letter shall send a written request to the Executive Director, with copies of the request sent concurrently to the appropriate Industry Division and to all persons on whom the resolution was served. The request, or facsimile of the request, must be received by the Executive Director at least three business days before the date of compliance set in the resolution. If the extension is granted, the utility shall promptly inform all persons on whom the resolution was served of the new date for compliance.

~~8.~~ 9. Tariffs

~~8.1~~ 9.1 ~~Filing~~ Submittal, Making Accessible, Revising

At all times, and as further provided in the Industry Rules, each utility shall comply with the following requirements regarding its tariffs then in effect: (1) submit them to the appropriate Industry Division; (2) compile, publish, and make them accessible for public copying and inspection in accordance with General Rules ~~8.1.1 to 8.1.3~~ 9.1.1 to 9.1.3; and (3) promptly submit such revisions as are necessary to conform the utility's tariffs to statute or Commission order. These requirements shall apply except where and to the extent that, by statute or Commission order, compliance is expressly excused for the specific utility or type of utility, or for specific services offered by the utility or type of utility. If a customer or member of the public requests a map of a utility's service area that is not on the utility's web site, the utility may charge the actual cost of producing the map; and the utility shall estimate the cost when the order for the map is taken.

~~8.1.1.~~ 9.1.1 Publishing Tariffs

These tariff publication requirements apply to any utility that serves California customers under tariffs. A utility shall compile and publish the tariffs under which it provides services to California customers. The purpose of compiling and publishing tariffs is to enable members of the public to inspect and get copies of tariffs (including both currently effective and no longer effective tariffs) that may be of interest to them. A utility may not require anyone wanting to inspect or copy a tariff to disclose the nature of that person's interest in the tariff.

~~8.1.2~~ 9.1.2 Internet Publication

The Commission strongly encourages all utilities, and requires certain utilities as described below, to publish and keep up-to-date their respective tariffs, as currently in effect, at sites on the Internet freely accessible to the public.

A utility that serves California customers under tariffs, and whose gross intrastate revenues, as defined in Public Utilities Code Section 435(c) and reported to the Commission for purposes of the Utilities Reimbursement Account, exceed $10 million, shall publish, and shall thereafter keep up-to-date, its currently effective California tariffs at a site on the Internet. The Internet site shall be accessible, and

the tariffs shall be downloadable, at no charge to the public. At all times, the utility shall identify at the site any tariffs that would change as the result of Commission approval of modifications the utility has proposed in a pending application or advice letter. The utility shall update the site within five business days of the effective date of any such approval. The utility shall also provide instructions at the site for getting copies of such pending application or advice letter, and of no longer effective tariffs. If it is difficult to publish at the site the maps or forms in the utility's tariffs, the utility shall provide a means of downloading the maps or forms, or shall provide instructions for getting copies in printed format.

A utility whose gross intrastate revenues, as last reported to the Commission, exceed $10 million, shall comply with this Internet publication requirement no later than January 1, 2002. Any other utility whose gross intrastate revenues, as reported in the utility's annual report to the Commission after January 1, 2002, exceed $10 million, shall comply with this Internet publication requirement no later than 180 days after the date of the annual report.

~~8.1.3~~ 9.1.3 Other Publication

A utility that serves California customers under tariffs shall provide a telephone number at which a caller may (1) ask questions regarding the utility's tariffs, (2) order copies of the tariffs, and (3) find out times and places at which the caller may inspect or copy the tariffs. If the utility does not publish its tariffs on the Internet, it shall provide free copies to a current customer, and may charge not more than 20 cents per page to any other requester. The utility shall include this telephone number with any bill for a tariffed service. The telephone number shall be toll-free to customers within the utility's service area.

A utility that serves California customers under tariffs shall make its tariffs (including its no longer effective tariffs) available for public inspection or copying at reasonable times and place(s) within its California service area. The reasonableness of the times and place(s) at which tariffs are available will depend on whether the utility publishes its tariffs on the Internet.

~~8.2~~ 9.2 Serving Under Tariffs

~~8.2.1~~ 9.2.1 Consistency With Tariffs

Except for nontariffed or detariffed service, or a deviation (whether by contract or otherwise), authorized by statute or Commission order, a utility shall serve its California customers only at rates and under conditions contained in its tariffs then in effect. Any ambiguity in a tariff provision shall be construed in the way most favorable to the customer, and any representation made by a utility, in advertising or otherwise, with respect to a tariffed service shall be consistent with the terms and conditions of the applicable tariff(s).

~~8.2.2~~ 9.2.2 Service Options and Alternatives

If a utility provides optional features in conjunction with a particular service, the utility's tariffs shall identify the optional features as such, and shall describe the means by which a customer elects or rejects such features. If a utility provides alternative means of obtaining a particular service, or its

functional equivalent, or a choice between different rate plans, the utility's tariffs shall disclose the alternatives available to a customer, and shall describe how the customer selects an alternative.

~~8.2.3~~ 9.2.3 Emergency Service; Service to Government Agencies

Under emergency conditions, such as war, terrorist attack, and natural disasters, a utility that is a telephone corporation as defined in the Public Utilities Code may provide service to a government agency or to the public for free, or at reduced rates and charges, or under terms and conditions otherwise deviating from its tariffs then in effect. The utility may begin such service without prior Commission approval, but the utility shall promptly submit an advice letter to the Telecommunications Division to notify the Commission of the utility's provision of emergency service and of the rates, charges, terms, and conditions under which the service is provided. The advice letter may be effective pending disposition, and shall be subject to disposition under General Rule 7.6.1. The Commission may determine, as appropriate, the reasonableness of such service.

At all times, a utility other than a telephone corporation may provide service (other than resale service) to a government agency for free, or at reduced rates and charges, or under terms and conditions otherwise deviating from its tariffs then in effect. The utility may begin such service without prior Commission approval, but the utility shall promptly submit an advice letter to the appropriate Industry Division to notify the Commission of the utility's provision of such service and of the rates, charges, terms and conditions under which the service is provided. Although the advice letter may be effective pending disposition under General Rule 7.5.3, the Commission may determine, in an appropriate proceeding, the reasonableness of such service.

For purposes of this General Rule ~~8.2.3~~ 9.2.3, "government agency" means the United States and its departments, Indian tribes recognized by the United States or the State of California, the State of California and its political subdivisions and municipal corporations, including the departments thereof, and public fairs and celebrations.

~~8.3~~ 9.3 Notice to Correct Tariffs

For any tariffs in effect (other than tariffs effective pending disposition), an Industry Division, on the complaint of a utility's customer, the Consumer Protection and Safety Division (or its successor), or the Division of Ratepayer Advocates (or its successor), or on the Industry Division's own motion, may issue a notice directing the utility to correct tariffs that the Industry Division believes may violate a statute or Commission order. Such notice to correct will identify the tariffs believed to be in violation, and will explain the basis for the Industry Division's belief.

Within 10 business days of the issuance of the notice to correct, the utility shall submit to the Industry Division either (1) an advice letter or substitute sheet letter, if appropriate, proposing corrective action, or (2) an answer explaining why the utility believes the tariffs in question comply with the specified statute or Commission order.

If the utility responds to the notice to correct by submitting an answer, the Industry Division shall either (1) rescind the notice to correct, or (2) affirm the notice to correct, with an explanation of why the Industry Division disagrees with the utility's answer. If the Industry Division affirms the notice to correct, and the Commission ultimately concludes that the tariffs violate statute or Commission orders as alleged in the notice, service rendered pursuant to the tariffs, at least from the date of issuance of the notice, may be subject to any subsequent Commission order requiring refunds, together with such other or additional adjustments as may be necessary or appropriate, as in the case of service rendered pursuant to an advice letter effective pending disposition.

~~8.4~~ 9.4 Tariff Format and Sheet Numbering

9~~8~~.4.1 Tariff Sheet Format

Tariff sheets shall be 8 inches wide by 11 inches long and of paper stock not less than 16-lb. bond or of equal durability. Tariff sheets shall be printed, typewritten, or otherwise prepared to provide a durable record. Type size shall be 10 point or larger. Except as provided in the Industry Rules, tariff sheets shall not contain handwritten text, marks, or alterations, and any such handwritten matter shall have no effect. Only one side of a sheet shall be used, and each sheet shall have margins at top and bottom of 1-1/8 inches and a left margin of at least 1-1/8 inches. The Industry Rules may contain additional format requirements, including rules regarding maintenance of tariffs in electronic media, and may provide illustrative exhibits.

Header. On each sheet, the utility shall provide:

(1) On the left - The name, address, and Commission-assigned identifying "U" number of the utility.

(2) On the right - Cal. P.U.C. Schedule and Sheet No., with designation as an original or revised sheet (these spaces may be left blank if the appropriate Industry Rules so provide), together with the Cal. P.U.C. numbers of the sheet being cancelled, if any. If a utility has a single rate schedule, omit the schedule number and only show the sheet number.

Footer. On each sheet, the utility shall provide:

(1) On the left - Advice Letter No. - the number of the advice letter that is requesting approval of the tariff sheet. Decision No. - the Commission's decision number if the sheet is ~~filed~~ submitted in accordance with a decision; otherwise this space is left blank.

(2) Center - Name and title of an individual authorized by the utility to legally obligate it.

(3) On the right - Date ~~Filed~~ Submitted, Effective, and Resolution No. - The date ~~filed~~ submitted and the effective date shall be completed by the appropriate Industry Division; also, the resolution number approving Tier 3 advice letters shall be followed by blank spaces to be filled in by the appropriate Industry Division.

When a rate schedule or tariff rule is carried forward from one tariff sheet to another, the bottom and top of the appropriate sheets shall be marked "Continued."

~~8.4.2~~ 9.4.2 Tariff Sheet Numbering

Tariff sheet numbering shall start with 1 for the first sheet in a rate schedule, and the following sheets shall be numbered consecutively in the order in which they are to appear in the schedule. Alternatively, a utility may number its tariff sheets, other than a check sheet, to reflect the section number of the tariff as well as the sheet (e.g., sheets in Section 1 would be numbered 1-1, 1-2, and so on). A utility may not mix the two numbering systems in its tariffs. An original sheet shall be designated as such, and a revised sheet shall be designated by the revision number (e.g., "1st Revised Sheet 1, Cancels Original Sheet 1").

A tariff sheet number may not be used more than once, regardless of whether the tariff sheet to which the number is assigned ever becomes effective. Thus, if a utility modifies a tariff sheet (for example, "1st Revised Sheet 1, Cancels Original Sheet 1") before disposition of the advice letter by which the utility submitted the tariff sheet, the modified tariff sheet must bear a new number (in the example, "2nd Revised Sheet 1, Cancels Original Sheet 1") consistent with this General Rule.

A sheet to be inserted between existing effective sheets shall be designated as an original sheet and shall bear the number of the immediately preceding sheet followed by an alpha or numeric suffix. For example, to insert two new sheets between sheets 44 and 45, the first inserted sheet shall be designated as Original Sheet 44A or 44.1, and the second inserted sheet shall be designated as Original Sheet 44B or 44.2. A utility may not use both kinds of suffix in its tariffs.

Similarly, if the need arises to insert new sheets between Original Sheets 44.1 and 44.2, the first new inserted sheet shall be designated as Original Sheet 44.1.1. If a utility uses numeric suffixes (the preferred system), the utility may use zeros to clarify the sequence of the sheets; thus, the numbering in both of the following examples is acceptable:

44.1, 44.2, . . . 44.9, 44.10, 44.11 and so on;

44.01, 44.02, . . . 44.09, 44.10, 44.11 and so on.

When using numeric suffixes, as illustrated in both examples, the next sheet in sequence after tariff sheet 44.1 (or 44.01) is tariff sheet 44.2 (or tariff sheet 44.02), not tariff sheet 44.11.

~~8.4.3~~ 9.4.3 Transitional Provisions

By advice letter ~~filed~~ submitted with the appropriate Industry Division within 90 days of the effective date of these General Rules, each utility shall specify whether it elects to (a) continue the sheet numbering system already utilized by the utility (including in its advice letter a complete explanation of the existing sheet numbering system), or (b) conform its sheet numbering system to the requirements of General Rule 9~~8~~.4.2. A new utility preparing tariffs for the first time shall conform its sheet numbering system to the requirements of General Rule ~~8.4.2~~ 9.4.2

In the event a utility elects to continue its existing sheet numbering system, the sheet numbering must remain in compliance with the sheet numbering specifications set forth in the last effective version of General Order 96-A. The utility remains subject to notices to correct tariffs under the provisions of General Rule ~~8.3~~ 9.3in the event its sheet numbering system does not satisfy the specifications of General Order 96-A or does not otherwise conform to a statute or Commission order. Additionally, the utility shall maintain its historic tariff record so that it may provide, upon written request and within a reasonable time, the text for any tariff (or portion thereof) no longer in effect.

In the event a utility elects to conform its sheet numbering system to the requirements of General Rule ~~8.4.2~~ 9.4.2, the appropriate Industry Division will establish a compliance schedule for the utility. The utility shall proceed to renumber its tariff sheets by compliance letter submitted in accordance with the applicable schedule.

~~8.5~~ 9.5 Tariff Contents

Each utility's tariffs shall include the following contents, arranged in the sequence set forth in General Rules ~~8.5.1 to 8.5.8~~ 9.5.1 to 9.5.8 below. The Industry Rules may require additional contents, as appropriate.

~~8.5.1~~ 9.5.1 Title Page

The cover page of each utility's tariffs shall be a title page showing the utility's common business name (and any other fictitious business names), the name and Commission-assigned identifying "U" number shown on the utility's Certificate of Public Convenience and Necessity, mailing address, and types of utility service provided and territory served. If the utility's tariffs are in multiple volumes, each volume shall contain a title page with the above information and a unique identifier for that volume.

~~8.5.2~~ 9.5.2 Table of Contents

At the beginning of the tariffs, a table of contents shall list all tariff subject headings and page numbers of currently effective tariff sheets in the order in which the tariff sheets appear in the utility's compilation of its tariffs. Unless the tariff is updated continuously and reliably by an automated system, each rate schedule and each volume of tariffs shall include a check sheet, which shall show the currently effective tariff sheets, by page and revision number, within the schedule or volume. The Industry Rules may require additional or alternative methods for listing currently effective tariff sheets.

~~8.5.3~~ 9.5.3 Preliminary Statement and Explanation of Symbols

The preliminary statement shall describe or explain: the territory served; the types and classes of service rendered; the general conditions under which services are rendered; the memorandum accounts (if any), balancing accounts, and adjustment clauses that might affect the utility's rates; and other tariff provisions that do not appear in the tariff rules or rate schedules. The preliminary statement shall explain the symbols used to identify tariff changes (see Public Utilities Code Section 491) as follows:

(C) To signify changed listing, rule, or condition which may affect a rate, charge, term, or condition;

(D) To signify discontinued material, including a listing, rate, charge, rule, or condition;

(I) To signify a rate or charge increase;

(L) To signify material relocated to another part of tariff schedules with no change in text;

(N) To signify new material including a listing, rate, charge, rule, or condition;

(P) To signify material subject to change under a pending application or advice letter;

(R) To signify a rate or charge reduction; and

(T) To signify textual change that does not affect a rate, charge, term, or condition.

Whenever the "P" designation is no longer valid, the utility shall remove the "P" designation by ~~filing~~ submitting a substitute sheet.

~~8.5.4~~ 9.5.4 Service Area

A utility authorized to serve the entire state shall include in its tariffs a statement of that fact. A utility authorized to serve part of the state shall include in its tariffs:

(1) A map or maps showing the boundaries of the utility's service area and the location of the service area in relation to nearby cities, highways, or other reasonable reference points; and

(2) A verbal description of the utility's service area using legal description, zip codes, Geographical Information System data, and/or other reasonable means for precisely specifying the boundaries of the service area.

The map provided pursuant to (1) of this rule may also satisfy the requirements of (2) if the map is of such scale and detail in relation to the service area boundaries as to enable clear and unambiguous determination of the boundaries without resort to verbal description.

The service area map or maps and verbal description shall be kept current and shall be appropriate in scale and detail to enable determination of whether specific real property is within the utility's service area. The Industry Rules may contain additional requirements regarding maps and verbal descriptions, and the reviewing Industry Division may require revisions to the maps, or further specification of the boundaries, in order to eliminate ambiguity regarding the utility's service area.

The respective Industry Divisions will establish compliance schedules for those utilities that, as of June 30, 2007, do not comply with the requirements of this General Rule to maintain service area maps on their Internet sites.

~~8.5.5~~ 9.5.5 Rate Schedules

Each utility's tariffs shall set forth all of its rate schedules, including for each schedule the schedule number or other designation, the schedule title (e.g., general, residential, "life-line," low-income), the requirements to obtain service, the rates and charges (in tables if possible), and any special conditions, limitations, qualifications, or restrictions specific to the service or rates under the schedule. Amounts subject to refund, contingent charges, and offset surcharges are examples of such special conditions.

~~8.5.6~~ 9.5.6 List of Contracts and Other Deviations

Except and to the extent excused by statute or Industry Rule or other Commission order, each utility shall compile and publish in its tariffs a list of all contracts and other deviations under which the utility provides service at rates or under conditions other than those contained in its tariffs then in effect. For each such contract or other deviation, the list shall state: the name and location of the customer; the type or class of service; dates of execution and expiration; the date and number of the Commission order authorizing the contract or other deviation; and the utility's most comparable rate schedule, together with a summary of how the contract or other deviation differs from that schedule.

If a utility has no such contract or other deviation then in effect, a statement of this fact shall be provided instead of this list.

~~8.5.7~~ 9.5.7 Tariff Rules

Each utility's tariffs shall separately state those rules regarding its rates, charges, and services that are not fully set forth in its rate schedules. These tariff rules shall be stated in clear and readily understandable English. Each such tariff rule shall have a number, a descriptive title, and its own sheet or series of sheets. The following subjects, and other subjects as appropriate, shall be covered by tariff rule:

(1) *Definitions* - Clear and concise definitions of the principal terms used in the tariffs.

(2) *Description of Service* - Description of types of service rendered and standards of service maintained.

(3) *Application for Service* - procedure to obtain service.

(4) *Contracts* - When a contract will be required for service.

(5) *Special Information Required on Forms* - Notices to customers required to appear on contracts, bills, and deposit receipts.

(6) *Establishment and Re-establishment of Credit* - Procedure to establish credit and to re-establish credit.

(7) *Deposits – When required, conditions precedent to return, interest paid.*

(8) *Notices* - Methods of providing notice.

(9) *Issuance and Payment of Bills* - Methods of issuing bills, billing periods, due dates, methods of payment.

(10) *Disputed Bills* - Methods of adjustment, deposit of disputed amount with Commission, time limits for actions.

(11) *Discontinuance and Restoration of Service* - Reasons for discontinuance, notification, time limits for actions, procedure for restoration of service, charges.

(12) *Information on Services and Promotional Offerings* - How to get information on services (including types of services, rate plans, conditions on eligibility, other terms and conditions) and promotional offerings available from the utility. Rule shall include office hours, telephone number, and (if applicable) e-mail address for contacting utility with requests for such information.

(13) *Temporary Service* - Conditions to providing temporary service or service to speculative projects.

(14) *Continuity of Service* - Interruption of delivery of service, notice to customers, apportionment of available service.

(15) *Extensions of Lines or Mains* - Free extensions, extensions beyond free length, conditions regarding contributions or advances to individuals or developers, deposits, refunds, ownership, maintenance.

(16) *Facilities on Customers' Premises and Service Connections* - Unless additional persons authorized, only utility employees to make service connections; right of access to customers' premises.

The Industry Rules may specify additional subjects to be covered by tariff rules of utilities within the respective industries. Subjects having special significance to particular utilities shall be covered either by inclusion in the tariff rules described above or by additional numbered tariff rules specifically addressing those subjects.

~~8.5.8~~ 9.5.8 Sample Forms

Each utility's tariffs shall contain sample copies of printed forms, such as applications for service, regular bills for service, contract forms, delinquency notices, disconnect notices, connection fee data, deposit receipts, and all other forms of concern to customers in connection with the utility's services. Such sample copies may contain data for illustrative purposes. Each sample copy shall be printed on a regularly numbered tariff sheet showing the name of the form. For purposes of this General Rule, and

except where prohibited by statute or Commission order, utilities may use forms developed by government agencies.

~~9.0~~ 10. Confidential Treatment

~~9.1~~ 10.1 General Provisions

In general, any information submitted in support of or in opposition to the relief requested in an advice letter will either be open to public inspection or will already be subject to confidential treatment pursuant to nondisclosure agreements and a protective order issued in a formal proceeding. Because matters governed by this General Order are informal, it is rarely appropriate to seek confidential treatment of information submitted in the first instance in the advice letter process. In any event, confidential treatment may be requested only for the kinds of information for which such treatment is authorized by statute, by prior Commission order, or by the provisions of this General Order.

~~9.2~~ 10.2 Burden of Establishing Confidentiality

A person requesting confidential treatment under this General Order bears the burden of proving why any particular document, or portion of a document, must or should be withheld from public disclosure. Any request for confidential treatment of information must reference the specific law prohibiting disclosure, the specific statutory privilege that the person believes it holds and could assert against disclosure, the specific privilege the person believes the Commission may and should assert against disclosure, or the specific provision of General Order 66-C (or its successor) or other Commission decision that authorizes a document to be kept confidential.

~~9.3~~ 10.3 Procedure for Establishing Confidentiality

Whenever a person submitting a document (other than an application for rehearing) under this General Order wants the Commission to keep the entire document under seal, or in redacted and unredacted versions, that person shall submit to the reviewing Industry Division a written request for such confidential treatment. The request shall either (1) attach a copy of the protective order that applies to the information for which confidential treatment is sought, or (2) explain why it is appropriate to accord confidential treatment to the information in the first instance in the advice letter process. In the latter case, the request shall attach a proposed protective order, or reference an effective protective order applicable to advice letter ~~filings~~ submittals previously submitted by the person. In either case, the request shall be narrowly drawn, shall identify the text and the information within the document for which confidential treatment is sought, and shall specify the grounds justifying such treatment.

Consistent with the above requirements, a utility may request confidential treatment for part of an advice letter; however, a utility may request confidential treatment for part of an advice letter that is effective pending disposition only if the utility concurrently provides access to the entire advice letter to those persons on its advice letter service list who have executed a reasonable nondisclosure agreement for purposes of advice letter review.

Whenever a request for confidential treatment of all or part of an advice letter is submitted to an Industry Division, the person desiring confidential treatment of information provided to the Commission shall at a minimum:

(a) Include the following information in the cover sheet of the advice letter: (i) a statement that the utility is requesting confidential treatment of information ~~filed~~ submitted in the advice letter; (ii) specification of the information for which the utility is seeking confidential treatment; (iii) a statement that the information will be made available to those who execute a nondisclosure agreement; and (iv) a list of the name and contact information of the person or persons who will provide the nondisclosure agreement and access to the confidential information. The cover sheet of an advice letter, any of the information in the cover sheet, and any of the proposed tariff sheets included as part of the advice letter will not be kept confidential.

(b) Specifically indicate the information that the person wishes to be kept confidential, clearly marking each page, or portion of a page, for which confidential treatment is requested.

(c) Identify the length of time the person believes the information should be kept confidential and provide a detailed justification for the proposed length of time, or identify the length of time a Commission decision addressing the information authorizes the information to be kept confidential. The business sensitivity of information generally declines over time and the balancing of interests for and against disclosure may change accordingly.

(d) Identify any specific provision of state or federal law, or Commission decision, the person believes prohibits disclosure of the information for which it seeks confidential treatment and explain in detail the applicability of the law or decision to that information.

(e) Identify any specific privilege, if any, the person believes it holds and may assert to prevent disclosure of information and explain in detail the applicability of that law to the information for which confidential treatment is requested.

(f) Identify any specific privilege, if any, the person believes the Commission holds and may assert to prevent disclosure of information and explain in detail the applicability of that privilege to the information for which confidential treatment is requested.

(g) State whether the person would object if the information were disclosed in an aggregated format.

(h) State, to the best of one's knowledge, whether and how the person keeps the information confidential and whether the information has ever been disclosed to a person other than an employee of the utility or entity or to a non-market participant.

~~9.4~~ 10.4 Duration of Confidentiality Claim

A confidentiality claim, whether or not specifically acted upon by the Commission or Industry Division, expires on the earliest of the following dates: (a) at the end of the period specified by the person in the

initial confidentiality claim; (b) at the end of a period specified in a specific Commission ruling or decision; or in the event (a) or (b) are inapplicable, then (c) two years after the claim was first asserted before the Industry Division. To reassert the confidentiality claim, the person must again satisfy the requirements of this General Order before the end of the confidentiality period.

~~9.5~~ 10.5 Objection to Confidentiality Claim

Any person may object to the requested confidential treatment, and shall meet and confer with the requester to resolve such objections informally whenever possible. When such objections are not so resolved, the Industry Division will refer the request to the Administrative Law Judge Division. Confidential treatment shall be accorded pending a ruling on the request; however, the Industry Division, in appropriate circumstances, may issue a notice delaying the effective date of the advice letter pending the ruling.

~~9.6~~ 10.6 Disposition of Confidentiality Claim

In the case where a protective order has not yet been issued, if the Industry Division determines that confidential treatment is warranted, review of the advice letter shall proceed in the normal fashion. If the Industry Division determines that confidential treatment is not warranted, then the Industry Division shall (a) proceed with review of the advice letter, and (b) attempt to informally resolve the dispute with the ~~filing~~ submitting party. If the Industry Division and ~~filing~~ submitting party are unsuccessful in resolving the dispute, the ~~filing~~ submitting party shall be given 10 days, following Industry Division notification that confidentiality will not be afforded, to appeal the confidentiality issue to the Administrative Law Judge Division. Confidentiality will continue to be afforded while the appeal is pending.

(End of Appendix)